

1 COTKIN & COLLINS
A PROFESSIONAL CORPORATION
2 Robert G. Wilson SBN 58653
E-Mail: rgw@cclawfirm.cc
3 Terry C. Leuin, SBN 105968
E-Mail: tcl@cclawfirm.cc
4 300 South Grand Avenue, 24th Floor
Los Angeles, CA 90071-3134
5 Telephone: (213) 688-9350
Facsimile: (213) 688-9351
6

7 COTKIN & COLLINS
A PROFESSIONAL CORPORATION
William D. Naeve, SBN 92270
8 E-Mail: wdn@cclawfirm.cc
200 West Santa Ana Blvd., Suite 800
9 Santa Ana, CA 92701-7536
Telephone: (714) 835-2330
10 Facsimile: (714) 835-2209

11 Attorneys for Defendant
Insurance Corporation of New York
12

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15

16 FAIRMONT SPECIALTY INSURANCE)	No. C 07-03421 VRW
COMPANY, a Delaware corp-)	
17 oration, and TIG INSURANCE)	
COMPANY, a California)	
18 corporation,)	INSCORP'S REQUEST TO STRIKE
19 Plaintiffs,)	PLAINTIFFS' RESPONSE TO
20 vs.)	DEPENDABLE SHEET METAL'S
21)	MOTION TO REMAND
INSURANCE CORPORATION OF NEW)	
22 YORK, a New York corporation,)	Date: September 6, 2007
DEPENDABLE SHEET METAL, a)	Time: 2:00 p.m.
23 California corporation, and)	Place: Courtroom 6
DOES 1 through 10,)	
24 Defendants.)	
25	

26 Defendant Insurance Corporation of New York
27 ("INSCORP") respectfully requests that the Court strike
28 Plaintiffs' Response to Defendant Dependable Sheet Metal's

1 Motion to Remand, dated August 16, 2007 ("Plaintiffs'
2 Response"), on the ground that it is an unauthorized filing not
3 permitted by the Local Rules. In particular, Civil L.R. 7
4 permits the filing of motions, oppositions and replies.
5 Plaintiffs' Response is none of these things, but instead is a
6 transparent effort by plaintiffs to bolster the motion to remand
7 filed by Dependable Sheet Metal. Any such effort should have
8 been made concurrently with the filing of the original motion so
9 that INSCORP would have had an opportunity to address it in the
10 opposition papers INSCORP timely filed. Instead, plaintiffs
11 waited until the due date of INSCORP's opposition to file and
12 serve Plaintiffs' Response containing additional argumentation.
13 Accordingly, Plaintiffs' Response is both untimely and
14 unauthorized and should not be considered by the Court.

15
16 COTKIN & COLLINS
17 A PROFESSIONAL CORPORATION

18 By 
19 Robert G. Wilson

20 Dated: August 22, 2007

Attorneys for Defendant
Insurance Corporation of New York

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I, PAT MEDINA, am employed in the aforesaid County, State
4 of California; I am over the age of 18 years and not a party to
5 the within action; my business address is 300 South Grand
Avenue, 24th Floor, Los Angeles, California 90071-3134.

6 On August 22, 2007, I served the foregoing **INSCORP'S**
7 **REQUEST TO STRIKE PLAINTIFFS' RESPONSE TO DEPENDABLE SHEET**
8 **METAL'S MOTION TO REMAND** on interested parties in this action by
placing a true copy thereof, enclosed in a sealed envelope,
addressed as follows:

9 (SEE ATTACHED SERVICE LIST)

11	X BY FIRST CLASS MAIL: I placed such envelope for deposit in the U.S. Mail for service by the United States Postal Service, with first-class postage thereon fully prepaid. I am readily familiar with my employer's practice for the collection and processing of mail. Under that practice, envelopes would be deposited with the U.S. Postal Service that same day, with first class postage thereon fully prepaid, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing shown in this proof of service.
16	BY FACSIMILE: I caused the document to be transmitted by facsimile machine compliant with Rule 2003 of Calif. Rules of Court to the offices of the addressees at the telephone numbers shown on the service list.
18	BY HAND DELIVERY: I caused such envelope to be delivered by hand to the offices of the addressees.
19	BY FEDERAL EXPRESS: I am readily familiar with my employer's practice for collection and processing of FedEx packages. Under that practice, packages would be deposited with FedEx that same day, with overnight delivery charges thereon fully prepaid, in the ordinary course of business.
22	X (Federal Courts Only) I declare that I am employed in the office of a member of the court at whose direction this service was made.

23 I declare under penalty of perjury under the laws of the
24 State of California that the foregoing is true and correct and
25 that this document was executed on August 22, 2007, at Los
26 Angeles, California.

27 
28 Declarant

(SERVICE LIST)

George D. Yaron, Esq.
Henry M. Su, Esq.
Yaron & Associates
601 California Street, 21st Floor
San Francisco, CA 94108
(Attorneys for Plaintiffs)

Joseph L. Oliva, Esq.
Oliva & Associates ALC
11770 Bernardo Plaza Court, Suite 350
San Diego, CA 92128
(Attorneys for Defendant
Dependable Sheet Metal)